

1 probably be out of date in two weeks or a month or
2 whatever.

3 Q Let me direct you to page 20 of your
4 testimony -- your direct testimony, lines 20 and 21.
5 Excuse me, 19 through 21. You say "Cavalier thus
6 has no need for detailed information about all fiber
7 routes in the entire lot because Verizon's existing
8 measures satisfy any legitimate need Cavalier has
9 for network planning information, the bureau should
10 reject Cavalier's unjustified proposals," et cetera.

11 Is it -- does Verizon believe that dark
12 fiber maps are not useful for network planning
13 information?

14 A (Mr. Albert) Not anymore. And let me --
15 these are my couple sentences, so let me explain.

16 Q Sure.

17 A (Mr. Albert) I think kind of what we ran
18 into this morning, the world has changed from a
19 number of perspectives, in terms of what we're
20 negotiating interconnection agreementwise, but
21 between ourselves. So processes and things that
22 occurred back under the prior Cavalier

1 interconnection agreement, those processes,
2 particularly with dark fiber, are now different
3 going forward and are different in terms of what
4 we're proposing in the interconnection agreement,
5 with one of the big differences being changes that
6 have been due to the arbitration with AT&T and with
7 WorldCom that the FCC handled for Virginia.

8 When it comes to maps, as well as to other
9 processes, there is one very major different item,
10 and let me describe that, because it affects maps
11 and it also spills over into information.

12 Previously, but before the AT&T WorldCom
13 arbitration, a CLEC had to specifically request the
14 individual dark fiber links to get between a pair of
15 Verizon central offices. So previously, if a CLEC
16 wanted a dark fiber connection configured, say in
17 Cavalier's case all the way from their POP in
18 Herndon, say, to our Arlington central office,
19 Cavalier would have specifically have had to say I
20 want to go from -- I want a link from Herndon to
21 Reston, I want to go from Reston to Tysons, I want
22 to go from Tysons to Falls Church, I want to go from

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1 Falls Church to Arlington. You know, it was the old
2 here's -- we have to string together A to B to C to
3 D.

4 Similarly, if Cavalier, to get between
5 Herndon and Arlington, had wanted to go to Reston,
6 to Centerville, to George Mason, to Springfield, to
7 Alexandria, to Arlington, they would have had to
8 have requested each one of those pieces
9 individually. That's the way the process was.

10 That process changed with the AT&T
11 arbitration, so that now Cavalier doesn't have to
12 ask for these five or these eight or these nine
13 different links to get between a pair of endpoints.
14 Cavalier puts it in an inquiry and as well as orders
15 on a service order, the full link from Herndon to
16 Arlington.

17 What Verizon, in turn, then does, is when
18 Cavalier asks for a dark fiber circuit from Herndon
19 to Arlington, in answering if that is or is not
20 available, we will look at the route that goes
21 through Tysons and Falls Church. If that's not
22 available, we'll also look at the route that goes

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1 through Fairfax to Merrifield to Falls Church to
2 Arlington, and we'll look at the route that goes
3 down through Springfield.

4 So the responsibility of who determines
5 the interoffice routing of the dark fiber request
6 between your two endpoints is now Verizon that's
7 doing that. So when I say "going forward," that the
8 dark fiber map information is not needed, that's
9 because the new process, the CLEC is specifying the
10 endpoints, and we're on the hook to look at all the
11 different possible ways to potentially get between
12 them.

13 So in my opinion, in the going-forward
14 environment, you don't need to know where the
15 specific individual links are, because you're not
16 specifying them. That's what we're doing, and
17 that's how things changed from the AT&T arbitration.

18 Q Why does Verizon prefer to search and
19 select a route through the search process you've
20 described just now and in your testimony, as opposed
21 to providing a dot and stick map -- or a line and
22 dot map, rather, showing connectivity and allowing

1 the CLEC to choose a route?

2 A (Mr. Albert) I'll give you an engineering
3 perspective. There are two problems that we
4 basically have -- I'll say three -- with the dot and
5 stick map you're describing. The first, we don't
6 believe the information is necessary in the new
7 approach, because the CLEC is not having to look at
8 and having to find the different individual links.
9 They just specify the endpoints. So our belief is
10 it really is not needed.

11 The second problem we have -- now, this is
12 going to sound, you know, a little bit Chicken
13 Little and Carterphone-ish. Let me put it in
14 perspective. The second problem we have really just
15 relates to network security, and it's having,
16 readily available to the world, a map that shows on
17 a single page in the Washington met LATA where all
18 of our fiber cables are connected. If I were to
19 bring -- if I were to create and bring one of those
20 maps in here today, a map that had the stick figure
21 diagrams with the fiber cable spans, everybody could
22 readily see -- just based on the number of lines

1 that run into a central office building -- everybody
2 could really readily see that in WashMet, there are
3 about five Verizon central offices that if you were
4 to bomb them out, you would basically bring the
5 whole Washington Met network to its knees.

6 One of those locations is just about a
7 mile from here. So the aspect of having readily
8 available to the world, copies that we would create
9 that would show the whole network, we believe
10 there's a very -- in the current days and times,
11 there's a very legitimate network security risk to
12 that.

13 MR. MILLER: Mr. Albert, a couple quick
14 questions, if I may. Is that map which is not
15 readily available to the world, is that available to
16 Verizon retail?

17 MR. ALBERT: No, as a matter of fact, we
18 would have to create the map. And Cavalier has
19 requested that we create it at a time and materials
20 charge.

21 MR. MILLER: Have you ever investigated
22 making that map available subject to confidentiality

1 provisions?

2 MR. ALBERT: They have requested that and
3 we still have the same concerns about creating the
4 quantities of maps and having those available with
5 that type of information on it for the world to
6 have, from a security perspective.

7 MR. MILLER: Thanks.

8 MR. ALBERT: Then the third difficulty we
9 have with what you've requested is in addition to
10 the map, you've also asked for what our fiber
11 construction plans are for the next three years, and
12 we think that will, one, be quite inaccurate, as
13 well as create a lot of problems.

14 We don't believe it's really -- in terms
15 of us being able to identify for you where fiber is
16 and is not available, we don't believe our
17 unconfirmed future plans are going to be helpful.
18 And as a matter of fact, I think in a lot of ways,
19 it would be harmful, because having -- changing
20 variable information out there I think a lot of
21 times is worse than not having the information.

22 With our construction plans, we don't fund

1 something, allocate money to do it, until we're
2 within a year. Even when we -- so something that's
3 year 2, year 3, there is no guarantee at all, you
4 might as well put any old line on the map.

5 But then even when we fund something and
6 even when a fiber construction project is in
7 progress, even when we're putting a new fiber cable
8 in between Merrifield and Fairfax, even when we've
9 begun the work, there is still a big variation in
10 when that work is completed. If we're halfway into
11 it and we say it's going to be done six months from
12 now, it could easily be 18 months from now when it's
13 done.

14 So there's a lot of variables and I think
15 a lot of negative information that would be included
16 by us, providing our construction plans on top of
17 the map.

18 BY MR. PERKINS:

19 Q Let's say we drop the new construction
20 plans item, we do a map on a less than LATA-wide
21 basis and restrict its disclosure more severely to
22 something like you do for CO layout maps, where you

1 can come look at it, decide what you want to do and
2 leave it, and we say we would like to be able to
3 select the route or participate in the selection of
4 the route, because we have a couple of potential big
5 customers in certain areas that we would like to
6 think about taking a spur off to if we can get
7 some -- or splice off to if we can get some dark
8 fiber, something of that nature. I may not be
9 articulating that as accurately as you would.

10 What if we say all of that, would that
11 make the proposal more palatable or remain
12 completely objectionable in Verizon's eyes?

13 A (Mr. Albert) Do you want to speak first
14 on this one?

15 A (Ms. Shocket) Yes. The fiber route that
16 we would propose to you between an A and Z location
17 would be the most efficient route for Verizon to put
18 together, so if there were multiple spans within
19 that particular desired A and Z location, we would
20 look to see what was the most efficient route. By
21 that --

22 Q For Verizon.

1 A (Ms. Shocket) I mean the shortage
2 mileage. And one of the reasons we do that is the
3 way we bill you for it. We bill you on the ANC
4 location of per mile basis. Now, if you were to
5 select a route that was less efficient and was
6 longer mileage but yet had the same originating and
7 terminating points, Verizon would not be able to
8 bill you for the longer miles, because -- and I
9 believe it's in the contract or it's not in the
10 contract but it is in our systems, that we use the
11 originating/terminating location to estimate the
12 mileage or to bill the mileage for one of these
13 routes.

14 Now, when we do a search on the fiber
15 route that you're looking for, and if there are
16 multiple spans, we would provide you with the
17 information as to what spans are traversed -- what
18 offices are traversed to create that span, so you
19 will have that information as to what the route
20 looks like and what central office would process it.

21 If you want to look at some other route,
22 some of those offices -- you could ask us for a

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1 different route and we would look at that as well.
2 But on the request for a specific span from A to Z,
3 it would be the most efficient route, and by that I
4 mean the shortest mileage between the A and Z
5 locations.

6 Q So you can see what the mileage is when
7 you do that; is that correct?

8 A (Ms. Shocket) We will have an estimate of
9 what the mileage is and our billing system would
10 calculate it based on the codes associated with
11 those originating and terminating locations.

12 Q What if we took that further objection out
13 by saying we would pay based on actual mileage
14 instead of endpoint to endpoint?

15 A We don't have a way to do that. We would
16 have to revamp our billing systems and that would be
17 a significant change to our billing systems.

18 Q You have to have some sort of mileage in
19 there, if you can look at the mileage --

20 A (Ms. Shocket) The mileage goes from an A
21 to Z location.

22 Q I understand that.

1 A (Ms. Shocket) So it doesn't include
2 anything that's in the middle.

3 Q I was going to say, you have to have some
4 way of estimating mileage at least, though, right,
5 to say what's most efficient if you're going from A
6 to Z, going this way instead of this way
7 (indicating)?

8 A (Ms. Shocket) Well, yeah, we pull -- you
9 know where our offices are, we look to see where we
10 would go from a route perspective and try to follow
11 that most efficient route, if we can. If we can't,
12 we go off that arc.

13 Q Sure.

14 A (Mr. Albert) What Alice described, would
15 that work for you guys?

16 Q I'm sorry?

17 A (Mr. Albert) What Alice described, would
18 that work for you guys? You kind of threw out a
19 counter proposal with several different new things
20 in it.

21 Q Kind of a hypothetical, I think you could
22 call it.

1 A (Mr. Albert) Okay. But still, it didn't
2 sound totally off the wall. I just didn't know if
3 what she described would get us closer to having
4 something here that would work.

5 MR. MILLER: I think we need to focus on
6 cross-examination of attorneys to witnesses, and the
7 negotiations may be off line.

8 MR. LERNER: We encourage that.

9 BY MR. PERKINS:

10 Q I'm just trying to probe some of the
11 concerns because we haven't had a lot of dialogue on
12 this particular issue, we've just sort of run into a
13 wall on each side apparently.

14 Does Verizon ever do any joint builds with
15 fiber construction such as with cable operators?

16 A (Mr. Albert) No.

17 Q In your reply testimony, I believe you
18 referred to the difficulty in scheduling joint field
19 surveys because of having to schedule appointments
20 between the Verizon folks and the Cavalier folks if
21 such a situation were to occur. Is that true?

22 A (Mr. Albert) Yeah, and let me describe

1 how we do a field survey, because I think part of
2 the difficulty here may be with the misunderstanding
3 between the two of us of what actually takes place.
4 The joint --

5 Q I don't mean to interrupt. I don't have a
6 problem with him continuing and all, but I don't
7 want to run into time constraints if we have too
8 much --

9 MR. LERNER: How much more do you have?
10 Your time is just about up.

11 MR. PERKINS: Right. I've had some rather
12 extended answers, which is good because it's
13 informative, but bad because we do have limited
14 time. I have probably two or three more questions.

15 MR. LERNER: Why don't you let him finish
16 and then -- do you want to have the court reporter
17 read it back to you or do you remember?

18 MR. ALBERT: No, I remember the question.
19 One of the issues we have is Cavalier would like to
20 do what we call a joint field survey, which means
21 their employees would come with the Verizon
22 employees when we were out physically doing the

1 fieldwork to provide more information via or dark
2 fiber field survey.

3 What I was trying to explain, where I
4 think hopefully some of the misunderstanding may be,
5 the employees of Verizon that do the fieldwork for a
6 field survey, those people are cable splicers, those
7 are the unionized individuals in the bucket trucks
8 and pumping out the manholes. Those are the
9 individuals, and usually you'll send out a pair of
10 them, to actually do the field verification of
11 what's working and what's spare and what exists.

12 Now, those people are not going to be able
13 to answer questions that your engineers may have or
14 they're not going to be able to answer questions
15 relative to, you know, can you provide dark fiber or
16 what can you do to provide dark fiber.

17 So the people that we have that go on a
18 field survey to obtain the information that then
19 gets sent back to the engineers that compile the
20 field survey, those people out there in the bucket
21 trucks aren't going to be able to really have any --
22 work towards any resolution or answer any questions

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1 relative to provisioning dark fiber for you all in
2 that particular case.

3 So because in our perspective, we don't
4 see that adding anything, as far as being needed, as
5 well as the difficulty in scheduling specific times
6 for our construction crews or cable splicers to go
7 out there, that's why our opinion is that it's
8 really not needed and you're not going to get -- you
9 know, you don't have the right people there for what
10 we think you're really after, as well as the
11 inefficiency of having to precisely schedule your
12 folks to watch our cable splicers as they test
13 fibers.

14 BY MR. PERKINS:

15 Q Well, the techs go out on joint
16 appointments for DS zero purposes; is that correct,
17 from both companies?

18 A (Mr. Albert) I read that in your
19 testimony. I'm not familiar with it myself. I
20 think if that does happen, and take face value what
21 you say, I think it's because there are issues that
22 the specific individuals that are jointly out there

1 together can mutually solve. That's something
2 different than what happens with a dark fiber field
3 survey. Our cable splicers that are out there
4 testing the fibers and taking transmission readings
5 and looking to make a determination of what is spare
6 and what's working, they're not going to be able to
7 answer any questions for you about, you know, where
8 does this cable go or why can't I get dark fiber.
9 It's the wrong folks, I think, for what you thought
10 you were going to be able to get accomplished.

11 Q Well, let me ask you this before I move on
12 to one final subissue, and very briefly, doesn't it
13 make sense if we get inconsistent results
14 potentially between the quick look through the dark
15 fiber inquiry and maybe a field survey or a records
16 review that would have some process where the right
17 people do get together and say is there dark fiber
18 here or what's the best way to address the
19 situation, rather than go back and forth over a
20 number of months and have multiple inquiries and
21 record surveys and field surveys?

22 A (Mr. Albert) If we had followed correctly

1 the field survey process, I don't think what you've
2 described would have just happened. And we should
3 have a way for you to request a field survey, for us
4 to provide the information, and then if you've got
5 further questions relative to the totality of
6 information, for you to ask follow-up questions to
7 that.

8 Q And address it efficiently.

9 A (Mr. Albert) Yes. And we believe we do
10 have that, if we use as proposed the field survey
11 process.

12 Q Perhaps it's a disconnect between the
13 language and the practice, then.

14 One last line of questions. If a CLEC
15 inquires about whether interoffice fiber exists
16 between points A and B, say requests whether there's
17 three pairs between points A and B, and is told that
18 it's nonavailable, does that CLEC know whether it's
19 a situation that there's simply not fiber terminated
20 between those two points or whether or not fiber
21 even exists between those two points?

22 A (Ms. Shocket) The responses you'll get

1 will indicate whether there is no fiber available
2 and whether there is fiber available but not in the
3 quantities that you have asked for. Generally
4 speaking, fiber between central offices is fully
5 terminated, so if there's no fiber available, it
6 would generally mean that there is no fiber out
7 there that can be used for that.

8 A (Mr. Albert) For IOF in Virginia, almost
9 every single one of our central offices has got
10 fiber into it. In the new environment, not the old,
11 but in the new environment where you asked for the
12 full end-to-end and we look at all the different
13 pieces, there's always going to be a way
14 fiber-optically of getting between the two different
15 endpoints that you can ask for.

16 That wasn't true previously where the
17 process was you precisely identified the route. But
18 in the new process, where we have to look at all the
19 ways of getting between, you know, you're going to
20 probably find maybe one or two exceptions in the
21 state, like our office in Shenandoah National Park
22 or out at the very tail end of Lee County. But just

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1 about everywhere else, there's a way fiber-optically
2 to get there or whether there's any spare.

3 MR. MILLER: If I could follow up on your
4 terminology, when you say fiber between central
5 offices as a general matter is fully terminated, you
6 would mean in contrast to a situation where fiber
7 might lie under the ground but is not spliced in and
8 is therefore not fully terminated?

9 MS. SHOCKET: Yes, that's correct, that
10 the fiber that goes between the central offices,
11 when the construction work is completed, is
12 terminated on a fiber distribution panel in each of
13 those central offices. So we don't partially
14 terminate that fiber. I mean, we fully connect it
15 to the fiber distribution panel in each of the
16 central offices.

17 MR. MILLER: So it's connected into the
18 FDP or fiber distribution panel.

19 MS. SHOCKET: Right.

20 MR. MILLER: Although it may not be lit,
21 it would be connected.

22 MS. SHOCKET: It may not be lit, that's

1 correct.

2 MR. ALBERT: You've got a full continuous
3 link, and you could light it so you could use it.

4 MS. SHOCKET: Certainly during the
5 construction process when we're either building new
6 or augmenting existing facilities, there would be a
7 time period when it may not be fully terminated, but
8 that fiber wouldn't be able to be used by anybody
9 until it's fully connected to our network.

10 MR. MILLER: I appreciate. We have more
11 questions along these lines but we'll let
12 Mr. Perkins finish.

13 BY MR. PERKINS:

14 Q It is true in the past there's been a
15 great deal of controversy between CLECs and Verizon
16 about whether dark fiber was "terminated"?

17 MS. NEWMAN: I'm going to object to the
18 form of the question. That's just way too vague.

19 MR. LERNER: Overruled. You may answer.

20 MR. ALBERT: There have been a number of
21 litigated proceedings that have attempted to define
22 and to determine if terminated fiber strands are, in

1 fact, dark fiber. If you go and look at the AT&T
2 WorldCom arbitration, you will see it's come up as a
3 subject and topic there.

4 BY MR. PERKINS:

5 Q In fact, there were extensive discussions
6 of it at the Virginia 271 proceedings too, weren't
7 there?

8 A (Mr. Albert) Yes.

9 MR. PERKINS: Thank you.

10 MR. LERNER: Verizon?

11 MS. NEWMAN: No questions.

12 MR. MAHER: I just wanted to start with
13 Verizon, then. I would be interested in getting, I
14 guess, some sense of how Verizon retail looks at the
15 use of dark fiber or its availability when it's sort
16 of planning to use dark fiber. I wonder if you
17 could just sort of as an initial matter walk me
18 through, what's the counterpart to what Cavalier
19 goes through, in terms of how does Verizon retail --
20 what information does it look at, how does it go
21 about deciding what is available and what's not
22 available to serve particular customers or

1 particular routes?

2 MS. SHOCKET: Well, first of all -- I'll
3 start it off and you can finish it. First of all,
4 dark fiber isn't available on a retail basis, so the
5 situation would be --

6 MR. MAHER: Maybe I should clarify what I
7 mean by that, that Verizon's retail operations would
8 use, in providing a lit service to an end user
9 customer. So it's a dark fiber that would be used
10 not by a customer but by Verizon retail itself that
11 it would light and provide.

12 MS. SHOCKET: The core company to provide
13 a lit service?

14 MR. MAHER: To provide a lit service.

15 MS. SHOCKET: This would most likely be at
16 the higher end of the market, because fiber usually
17 is needed for much higher capacity services, so
18 there would be some kind of an account manager
19 involved in that, and the account manager would --
20 this is not my area of expertise, but I understand
21 the account manager would contact the engineer and
22 say, "I have a customer who wants SONET service

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1 between these two locations," and then the engineer,
2 in the same manner that they would do for a dark
3 fiber inquiry, would look at the records to
4 determine if there is fiber available.

5 Now, it doesn't necessarily have to be
6 dark fiber for that. It could be existing lit fiber
7 that you could add additional capacity on it, but
8 they would look to see what fiber was available and
9 get back to the account manager and say yes or no,
10 we can provide this service for you.

11 What the planner does is the exact same
12 steps that would be done on the dark fiber inquiry
13 that we perform on behalf of a CLEC when they're
14 looking for dark fiber.

15 MR. ALBERT: The focus of what evolved for
16 all the 271 proceedings was so that, in fact, we
17 would have process for the CLECs that mirrored what
18 we did do for ourselves. If you look what our
19 engineers do, in terms of looking for and assigning
20 and lighting fibers, it does map right over to the
21 process that we have in place that came out of the
22 AT&T arbitration in Virginia, relative to what we do

1 for ourselves.

2 So like as an example, we assign out of
3 our records a fiber circuit to ourselves. If we go
4 out and it's not -- we find out that it's not there,
5 then we have to incur the cost to do our -- a field
6 survey for ourselves to verify our records.

7 So the way we assign the fibers, the field
8 survey information that we have to collect for
9 ourselves to use, those are the same processes.

10 MR. MAHER: Okay. So in terms of looking
11 at sort of the realm of available fiber including
12 dark fiber, does Verizon look at sort of just the
13 same fully terminated complete loops or complete
14 sort of transport interoffice facilities that it
15 would look at in the case of an inquiry from
16 Cavalier, or does it look at sort of I guess what
17 you would call dark fiber segments that are not
18 fully terminated or that need to be spliced or have
19 some other type of work done on it, in order to
20 provide the service?

21 MR. ALBERT: First pass, first attempt to
22 assign an order, it's the same information that's in